

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
Northern Division

ROSALIND R. ROSEMANN,

Plaintiff

v.

U.S. AIRWAYS, INC.

Defendant

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Civil No. RDB-1:07-cv-2105

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STIPULATION

Plaintiff, Rosalind R. Rosemann, Defendant, US Airways, Inc. (“US Airways”), and non-party America West Airlines, Inc. (“America West”), in consideration of the mutual covenants herein, hereby stipulate and agree as follows:

1. US Airways, the named defendant in the above-captioned matter, is not a proper party to this case. The proper defendant is America West, which was the employer of “deadheading” Flight Attendant Arthur Randolph Lauson on the flight that is the subject of the Complaint. Therefore, America West will be substituted for US Airways as the defendant in this case.

2. America West concedes that Arthur Randolph Lauson was acting within the scope of his employment when he lost control of his bag while removing it from an overhead compartment adjacent to the plaintiff and further, that in so doing, Lauson breached a duty to plaintiff.

3. America West expressly reserves for trial the issue whether this breach was a proximate cause of injury and the extent of plaintiff's damages.

4. Any verdict returned for the plaintiff by the jury or decision on quantum of damages rendered by the Court shall be reduced by seven and one-half percent (7.5%) when the Court enters a resultant judgment.

5. In the event of a remittitur, additur, or other modification of verdict of a jury, the seven and one-half percent (7.5%) reduction shall be taken subsequent to the modification.

IT IS SO STIPULATED.

Dated: October __, 2007

US AIRWAYS, INC.
AMERICA WEST AIRLINES, INC.
By Counsel

SCHNADER HARRISON SEGAL & LEWIS LLP

By: _____
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ROSALIND R. ROSEMAN
By Counsel

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